

the asserted combination of references cannot reasonably be considered to disclose, teach or suggest all of the features recited in independent claims 1 and 10.

As discussed in the Remarks of the June 17, 2004 Request for Reconsideration, which are incorporated herein by reference in their entirety, Van Dyke does not teach "defining a retrieval condition for retrieving an object." Despite this admitted fact (see page 3, lines 12-13 of the April 7, 2004 Office Action), the Office Action asserts that "Van Dyke discloses setting an access right in association with the retrieval condition" (emphasis added). Applicant respectfully submits that it is impossible for Van Dyke to disclose "setting an access right in association with the retrieval condition" without defining a retrieval condition. In other words, Van Dyke cannot logically be considered to disclose setting an access right in association with something that it does not have.

Similarly, Van Dyke cannot logically be considered to disclose "performing access control for an object matching the retrieval condition on the basis of the access right" (emphasis added) when there is no retrieval condition for the object to match. Because Van Dyke does not define a retrieval condition, as explicitly stated in the Office Action, Van Dyke does not have a retrieval condition for the object to match.

The Advisory Action appears to assert that a person of ordinary skill in the art would have been motivated to modify Van Dyke to include a retrieval condition. However, the stated motivation is merely an alleged result and does not provide any reason for the asserted modification. The Advisory Action appears to reply on impermissible hindsight, asserting that because what is missing in Van Dyke is taught by Kobayashi, a person skilled in the art would have been motivated to modify Van Dyke.

As discussed in the Remarks of the June 17, 2004 Request for Reconsideration, the alleged motivation "to control the requested object based on the defined control access rights" cannot form a proper basis for an alleged motivation to combine the references because Van

Dyke already achieves such control without any modification. Further, the statement that it would have been obvious to combine Van Dyke and Kobayashi "so as to retrieve [sic] a stored object in the system with the condition based on the access right of the user" is not a proper statement of motivation because it merely reflects the teachings of Kobayashi alone and does not provide a reason to combine Van Dyke and Kobayashi. Applicant respectfully requests reconsideration of the arguments in this regard set forth in the June 17, 2004 Request for Reconsideration.

The Advisory Action counters Applicant's explanation regarding the flowchart in Fig. 6 of Van Dyke by asserting that Fig. 6 is not relied upon for teaching the feature of "performing access control for an object matching the retrieval condition on the basis of the access right." Applicant respectfully disagrees since page 3, lines 8-12 of the Office Action cites disclosure of Van Dyke (col. 8, lns. 55-67) that clearly refers to the flowchart of Fig. 6. Further, since the Examiner is required to read the reference as a whole, Applicant's arguments regarding the flowchart of Fig. 6 of Van Dyke are pertinent. Accordingly, Applicant respectfully requests reconsideration of the arguments set forth in the June 17, 2004 Request for Reconsideration.

For at least these reasons, it is respectfully submitted that the Office Action fails to establish a prima facie case of obviousness of the subject matter of independent claims 1 and 10. Therefore, withdrawal of the rejection under 35 U.S.C. §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that independent claims 1 and 10 are patentable over the applied art. The remainder of the claims that depend from independent claims 1 and 10 are likewise patentable over the applied art for at least the reasons discussed above, as well as for the additional features they recite.

Therefore, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: September 7, 2004

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